

1 STATE OF OKLAHOMA

2 1st Session of the 55th Legislature (2015)

3 HOUSE BILL 1795

By: Roberts (Sean)

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6 AS INTRODUCED

7 An Act relating to professions and occupations;
8 amending 59 O.S. 2011, Section 1531, as amended by
9 Section 4, Chapter 153, O.S.L. 2013 (59 O.S. Supp.
10 2014, Section 1531), which relates to the Precious
11 Metal and Gem Dealer Licensing Act; authorizing law
12 enforcement to place hold order on certain property;
13 providing for information contained on hold order;
14 allowing consent to release certain property;
15 providing for certain notice from district attorney;
16 providing penalty for noncompliance; and providing an
17 effective date.

18 BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

19 SECTION 1. AMENDATORY 59 O.S. 2011, Section 1531, as
20 amended by Section 4, Chapter 153, O.S.L. 2013 (59 O.S. Supp. 2014,
21 Section 1531), is amended to read as follows:

22 Section 1531. A. Every dealer must keep at the business
23 location designated in the license application, all used articles
24 made, in whole or in part, of precious metals or gems, for
inspection by any law enforcement officer and the Department of
Consumer Credit at reasonable times for a period of ten (10) days or
until the articles have been released by written authorization of

1 any law enforcement officer authorized by the law enforcement agency
2 or its designee, except as provided for in subsection C of Section
3 1525 of this title. During this period, the appearance of such
4 articles shall not be altered in any way. A dealer is not
5 prohibited from selling or arranging to sell such articles during
6 the ten-day period as long as such articles remain in his or her
7 possession as required by this section.

8 B. Whenever a peace officer has probable cause to believe that
9 a gem or precious metal in possession of a dealer is stolen or
10 embezzled, the peace officer of the local law enforcement agency of
11 the municipality or other political subdivision in which the dealer
12 resides may place a written hold order on the property. The initial
13 term of the written hold order shall not exceed thirty (30) days.
14 However, the holding period may be extended in successive thirty-day
15 increments upon written notification prior to the expiration of the
16 initial holding period. If the holding period has expired and has
17 not been extended, the hold order shall be considered expired and no
18 longer in effect, and title shall vest in the dealer subject to any
19 restrictions contained in the contract. The initial written hold
20 order shall contain the following information:

- 21 1. Signature of the dealer or designee;
- 22 2. Name, title and identification number of the peace officer
23 placing the hold order;

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1 3. Name and address of the agency to which the peace officer is
2 attached and the offense number;

3 4. Complete description of the property to be held, including
4 any model number, serial number or transaction number;

5 5. Name of agency reporting the property to be stolen or
6 embezzled;

7 6. Mailing address of the dealer where the property is held;
8 and

9 7. Expiration date of the holding period.

10 C. While a hold order is in effect, the dealer may consent to
11 release, upon written receipt, the stolen or embezzled property to
12 the custody of the local law enforcement agency to which the peace
13 officer placing the hold order is attached. The consent to release
14 the stolen or embezzled property to the custody of law enforcement
15 is not a waiver or release of the dealer's property rights or
16 interest in the property. Otherwise, the dealer shall not release
17 or dispose of the property except pursuant to a court order or the
18 expiration of the holding period including all extensions. The
19 district attorney's office shall notify the dealer in writing, in
20 cases where criminal charges have been filed, that the property may
21 be needed as evidence. The notice shall contain the case number,
22 the style of the case and a description of the property. The dealer
23 shall hold such property until receiving notice of the disposition
24 of the case from the district attorney's office. The district

1 attorney's office shall notify the dealer in writing within fifteen
2 (15) days of the disposition of the case. Willful noncompliance of
3 a dealer to a written hold order shall constitute a violation of
4 this act pursuant to Section 1529 of this title. A hold order may
5 be released prior to the expiration of any thirty-day holding period
6 by written release from the agency placing the initial hold order.

7 D. Upon approval of the Administrator, a dealer may also
8 designate an additional location for storage of items required to be
9 held under the provisions of the Precious Metal and Gem Dealer
10 Industry Act. This location shall be either a vault or a bank. The
11 address of the designated additional location shall be filed with
12 the Administrator. The Administrator shall require documentation to
13 verify that the additional storage location will be utilized by the
14 dealer, including, but not limited to, a lease or rental agreement
15 between the dealer and the owner of the additional storage location.
16 The Administrator shall also require the name, contact person and
17 telephone number of the additional storage location. The
18 Administrator shall release the designated location only to law
19 enforcement agencies. The designated additional location shall be
20 available for inspection by the Department of Consumer Credit or any
21 law enforcement officer of this state authorized by the law
22 enforcement agency to inspect the same. A dealer shall provide
23 written notice to the Administrator at least thirty (30) days prior
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1 to terminating a lease or rental agreement for an additional storage
2 location.

3 SECTION 2. This act shall become effective November 1, 2015.

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